



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

ELECTRONIC MAIL
CONFIRMATION OF EMAIL RECEIPT REQUESTED

Mr. Joseph D. Jaco
Director, Utilities & Engineering
City of Columbia
P.O. Box 147
Columbia, South Carolina 29217
Joey.Jaco@columbiasc.gov

Re: Demand for Stipulated Penalties
City of Columbia Consent Decree
Civil Action No.: 3:13-2429-TLW

Dear Mr. Jaco:

The U.S. Environmental Protection Agency, Region 4 and the South Carolina Department of Health and Environmental Control have reviewed the City of Columbia's Quarterly and Annual Reports that were submitted pursuant to Paragraph 39.a and 39.c respectively.

Pursuant to Paragraph 47(a) of the Consent Decree, the United States and/or the state of South Carolina may assess a stipulated penalty for each Unpermitted Discharge event as defined by the Consent Decree in a dollar amount that is dependent on the size of the event and when it occurred. The City reported 108 Unpermitted Discharge Events occurring between April 1, 2020 and March 31, 2021. These included 28 Unpermitted Discharge Events of more than 5,000 gallons, 34 Unpermitted Discharge Events between 1,000 and 4,999 gallons and 46 Unpermitted Discharge Events with volumes less than 1,000 gallons. The City also had 108 Unpermitted Discharges that did not reach waters of the United States and are not subject to stipulated penalties under the Consent Decree.

Upon review of the submitted documentation, the EPA and SCDHEC hereby assess, and demand stipulated penalties in the amount of \$121,000 for Unpermitted Discharge Events that occurred during the above-mentioned period. Based on our review of the circumstances surrounding some of the Unpermitted Discharge events, and as permitted by the Consent Decree, the EPA has decided to demand the full amount of stipulated penalties that could be assessed.

In accordance with Paragraph 49 of the Consent Decree, the City shall pay within 30 days of receipt of this letter \$60,500 (50%) of the stipulated penalties to the United States and \$60,500 (50%) of the stipulated penalties to the state of South Carolina. The City shall pay the stipulated penalties to the United States in the manner set forth in Paragraph 52 of the Consent Decree, except that the transmittal letter shall state that the payment is for stipulated penalties and for which violations the penalties are being paid. The Financial Litigation Unit of the U.S. Attorney's Office will provide the City with electronic funds transfer wiring instructions for the payment to the United States. The City shall pay the

stipulated penalties to the State of South Carolina by submitting a check payable to the state of South Carolina and tendered to the South Carolina Department of Health and Environmental Control; ATTN: Mr. Randy Stewart; Water Pollution Control Division; 2600 Bull Street; Columbia, South Carolina 29201. The check shall reference the case name and civil action number.

If you have any questions, please have your attorneys contact Mr. Paul Schwartz, Associate Regional Counsel assigned to this matter, at (404) 562-9576.

Sincerely,

Mary Jo Bragan
Chief
Water Enforcement Branch
Enforcement and Compliance Assurance Division

cc: City Attorney
Columbia, SC

Chief Financial Officer
Columbia, SC

Mr. Randy Stewart
SCDHEC

Mr. Stephen Hightower, Esq.
SCDHEC

Mr. W. Thomas Lavender, Jr.
Nexsen Pruet, LLC

Ms. Joan Hartley, Esq.
Nexsen Pruet, LLC

Mr. Gabe Allen, Esq.
U.S. Department of Justice

